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10/817,156	04/02/2004	Vincent Carmelo Bruzzese	IGT1P145/P000267-038	1189

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EXAMINER	
TORIMIRO, ADETOKUNBO OLUSEGUN	
ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

Office Action Summary	Application No.	Applicant(s)	
	10/817,156	BRUZZESE ET AL.	
	Examiner	Art Unit	
	ADETOKUNBO O. TORIMIRO	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment received on 09/01/2009 has been considered. It has been noted that claims 1,20,24, and 27-30 are amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4,7-13,15,17,19-26, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US 6,488,585) in view of Simon et al (US 2003/0087652), Baldwin (US 6,732,195), and Carlson (US 7,260,834).

Re claims 1,2,4,20,24, and 31-34: Wells teaches a communications and data transfer system and method for gaming establishments having a plurality of gaming machines (112a and 112b), said system and method comprising a hand held portable transponder (128), and each of said gaming machines includes a communication module (124) with a port (126) connected to a master gaming controller (122) of each said gaming machine whereby identification and control signals for a specific one or ones of said plurality of adjacent gaming machines can be input to, and sent from, said transponder to the master gaming controller of the selected gaming machines **(see col. 4, lines 24-36)** and in reply thereto, status/performance data of said selected gaming machines can be sent to, or overwritten by, said transponder **(see col.4, lines 24-36)** and wherein

the master gaming controller controls the games played on said gaming machine **(see fig.1A; col.4, lines 10-15; col.4, lines 24-36)**.

However, Wells does not explicitly teach wherein said transponder is further operable to make a prediction regarding performance of at least one new game to replace a current game of said one or more gaming machines; that the transponder comprises a display device and input mechanism and that the transponder displays a list or a graphical representation/map of said list of a plurality of devices located near it; and display the prediction regarding the performance of the at least one new game on said one or more gaming machines, said performance comprises a ratio of coin to a unit of time and financial profitability.

Simon et al teaches wherein a transponder / *portable communication device capable of communication* is further operable and capable of making a prediction regarding performance of a game **(see pars.[0074] and [0075])**.

Baldwin teaches a method and system for updating peripheral devices. The system includes a personal digital assistant/ *PDA* (10) **(see figs.1 and 3; col.2, lines 8-11)** with an IR transceiver (12), input buttons (16), and a display (14) **(see figs.1 and 3)**; displaying the prediction of game services by displaying maps and location of gaming machines that require service as predicted by the portable device, hence displaying predicted results **(see col.3, lines 5-10; col. 5, lines 26-31)**. Where regarding the limitation that prediction of performance is based on location, other information, and factors from claims 31-34, the combination of Simon et al and Baldwin teach these features since Baldwin for instance teaches displaying the location of machines that require replacement, therefore it is obvious that location of the machine is involved in the prediction.

Carlson teaches performance comprises a ratio of coin to a unit of time and financial profitability / *monitoring and reporting the wagering and other activities of the stand-alone gaming machine in a network of gaming machines in a casino so as to monitor the financial activity and financial information* **(see col.1, lines 20-29)**.

Therefore, in view of Baldwin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells gaming and communication system to use Baldwin's method and system for retrieving and updating device data by way of a personal digital assistant that comprises input buttons and displays a list or graphical representation/map of gaming devices in order to reduce the effort and time required in manipulation of gaming machine software and gaming machine maintenance and in turn decrease the down time of gaming machines leading to increased profit. It would also have been obvious to incorporate the invention of Carlson so as to provide a way to monitor and report the financial performance of the wager based gaming system and hence improve the profitability and income from the gaming machines.

Re claim 3: Wells teaches that the transponder can download information to, and upload information from, a plurality of said gaming machines **(see col. 4, lines 24-36)**.

Re claims 7,22, and 26: Wells teaches that the gaming machines can receive downloads of software modification/games **(see abstract; col.4, lines 24-32)**.

Re claim 8: Wells teaches that data pertaining to use and performance, compliance, and accounting are transferred **(see col. 4, lines 24-36)**.

However, Wells does not clearly state the exact details of the data. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that cash tin status, hopper status, printer paper status, button malfunction status, lamp status, note reject data, coin reject data or cash turnover ratio can be part of the performance, accounting, or compliance data.

Re claims 9 and 23: Wells teaches that hardware configuration data can be communicated in the system and verifying identity or characteristics of hardware is used **(see abstract)**.

However, Wells does not explicitly state the exact details of the data. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that hardware configuration data would consist of the game machine identification in order to verify that the hardware modification is possible for that gaming machine.

Re claims 10-12: Wells teaches that data pertaining to use and performance, compliance, and accounting are transferred **(see col.4, lines 24-36)**.

However, Wells does not explicitly state the exact details of the data, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the data could be for the performance of a particular player and an outcome of a game in order so that the machines may track particular player accounts and follow game outcomes to assure that the game machine is working properly and to make sure of accounting details for the player.

Re claims 7-12,21-23, and 26: Wells fails to teach the particulars of the status and performance data.

Baldwin discloses that the PDA (10) uses bidirectional communication with a plurality of peripheral devices that are in range **(see col.4, lines 63-66)** and when selecting a peripheral device **(see col.4, lines 66-67)**, communication of status/maintenance data and software between it and the peripheral devices occur **(see col.5, lines 11-19)**.

Therefore, in view of Baldwin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells gaming and communication system to use Baldwin's method and system for retrieving and updating device data by way of a personal digital assistant and that any combination of status and software/game information communicated between the PDA and gaming machines is possible in order to reduce the effort and time required in manipulation of gaming machine software and gaming machine maintenance and in turn decrease the down time of gaming machines leading to increased profit.

Re claim 13: Wells fails to teach that the communication module is coupled to a wireless interface, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication board to be coupled to the portable device (28) by means of wireless communication and in the case of player tracking and therefore to include a wireless interface in order to increase the amount of ways the gaming machine can communicate to external devices and increase its attractiveness to the consumer.

Re claims 15 and 17: Wells fails to teach that the transponder can display a map that shows the location of the transponder and provides directions to the gaming machines.

However, Baldwin teaches a transponder (10) that includes a map display indicating device locations and status at a location and gives a "minimum walk"/directions for visiting the devices **(see abstract)**.

Therefore, in view of Baldwin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells gaming and communication system to use Baldwin's method and system for retrieving and updating device data by way of a personal digital assistant displays a list or graphical representation/map of gaming devices in order to reduce the effort and time required in manipulation of gaming machine software and gaming machine maintenance and in turn decrease the down time of gaming machines leading to increased profit.

Re claim 19: Wells teaches a gaming machine to generate a game of chance (122), receive cash (132a), to present an outcome (132c) and output cash (132b) **(see fig.1A; col.4, lines 10-15)**.

Re Claim 25: Wells does not teach if only one game is available for play on the gaming machine at any one time, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wells gaming machine with the option of only one game and not multiple games in order to allow easier use of the gaming machine and to target only particular players that play the type of game offered.

Re claim 27: Wells et al teaches a hand held portable transponder (128), and each of said gaming machines includes a communication module (124) with a port (126) connected to a master gaming controller (122) of each said gaming machine whereby identification and control signals for a specific one or ones of said plurality of adjacent gaming machines can be input to, and sent from, said transponder to the master gaming controller of the selected gaming machines **(see col. 4, lines 24-36)** and in reply thereto, status/performance data of said selected gaming machines can be sent to, or overwritten by, said transponder **(see col.4, lines 24-36)**.

However, Wells et al does not explicitly teach wherein said transponder is further adapted to make a prediction regarding performance of at least one new game to replace a current game of said game machines, and display the prediction regarding the performance of the at least one new game on said gaming machines, said performance comprising a ratio of coin-in to a unit time.

Simon et al teaches wherein a transponder / *portable communication device capable of communication* is further operable and capable of making a prediction regarding performance of a game **(see pars.[0074] and [0075])**.

Baldwin teaches displaying the prediction of game services by displaying maps and location of gaming machines that require service as predicted by the portable device, hence displaying predicted results **(see col.3, lines 5-10; col. 5, lines 26-31)**.

Carlson teaches performance comprises a ratio of coin to a unit of time and financial profitability / *monitoring and reporting the wagering and other activities of the stand-alone*

gaming machine in a network of gaming machines in a casino so as to monitor the financial activity and financial information **(see col.1, lines 20-29)**.

Therefore, in view of Baldwin and Simon et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells gaming and communication system to use Baldwin's method and system for retrieving and updating device data by way of a personal digital assistant that comprises input buttons and displays a list or graphical representation/map of gaming devices in order to reduce the effort and time required in manipulation of gaming machine software and gaming machine maintenance and in turn decrease the down time of gaming machines leading to increased profit, and to use Simon et al to predict the performance of the game thereby providing the early detection of if a game needs to be replaced or not and hence allowing the user of the game an undisturbed game service. It would also have been obvious to incorporate the invention of Carlson so as to provide a way to monitor and report the financial performance of the wager based gaming system and hence improve the profitability and income from the gaming machines.

Re claim 28: Wells et al teaches a computer readable medium (176a) including computer program code, comprising computer program code for allowing a hand held portable transponder (128), and each of said gaming machines includes a communication module (124) with a port (126) connected to a master gaming controller (122) of each said gaming machine whereby identification and control signals for a specific one or ones of said plurality of adjacent gaming machines can be input to, and sent from, said transponder to the master gaming controller of the selected gaming machines **(see fig.1B; col.4, lines 24-36)** and in reply thereto,

status/performance data of said selected gaming machines can be sent to, or overwritten by, said transponder **(see col.4, lines 24-36).**

However, Wells et al does not explicitly teach wherein said transponder is further adapted to make a prediction regarding performance of at least one new game to replace a current game of said game machines, and display the prediction regarding the performance of the at least one new game on said gaming machines; wherein the game is a wager-based game.

Simon et al teaches wherein a transponder / *portable communication device capable of communication* is further operable and capable of making a prediction regarding performance of a game **(see pars.[0074] and [0075])**.

Baldwin teaches displaying the prediction of game services by displaying maps and location of gaming machines that require service as predicted by the portable device, hence displaying predicted results **(see col.3, lines 5-10; col. 5, lines 26-31)**.

Carlson teaches a wager based game where the financial performance and accounting data of the gaming machine is monitored and reported **(see col.1, lines 20-29)**.

Therefore, in view of Baldwin and Simon et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells gaming and communication system to use Baldwin's method and system for retrieving and updating device data by way of a personal digital assistant that comprises input buttons and displays a list or graphical representation/map of gaming devices in order to reduce the effort and time required in manipulation of gaming machine software and gaming machine maintenance and in turn decrease the down time of gaming machines leading to increased profit, and to use Simon et al to

predict the performance of the game thereby providing the early detection of if a game needs to be replaced or not and hence allowing the user of the game an undisturbed game service.

Re claims 29 and 30: Wells et al teaches a gaming machine (112a,112b,112c) to receive identification and control signals from a hand held portable transponder (128), and each of said gaming machines includes a communication module (124) with a port (126) connected to a master gaming controller (122) of each said gaming machine whereby identification and control signals for a specific one or ones of said plurality of adjacent gaming machines can be input to, and sent from, said transponder to the master gaming controller of the selected gaming machines **(see col. 4, lines 24-36)**; wherein said gaming machine is further operable to send the hand held portable transponder status data of said gaming machine **(see col.4, lines 24-36)**.

However, Wells et al does not explicitly teach wherein said transponder is further adapted to make a prediction regarding performance of at least one new game to replace a current game of said game machines, and display the prediction regarding the performance of the at least one new game on said gaming machines, said performance relating to the financial profitability of the gaming machine.

Simon et al teaches wherein a transponder / *portable communication device capable of communication* is further operable and capable of making a prediction regarding performance of a game **(see pars.[0074] and [0075])**.

Baldwin teaches displaying the prediction of game services by displaying maps and location of gaming machines that require service as predicted by the portable device, hence displaying predicted results **(see col.3, lines 5-10; col. 5, lines 26-31)**.

Carlson teaches performance comprises a ratio of coin to a unit of time and financial profitability / *monitoring and reporting the wagering and other activities of the stand-alone gaming machine in a network of gaming machines in a casino so as to monitor the financial activity and financial information* **(see col.1, lines 20-29)**.

Therefore, in view of Baldwin and Simon et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells gaming and communication system to use Baldwin's method and system for retrieving and updating device data by way of a personal digital assistant that comprises input buttons and displays a list or graphical representation/map of gaming devices in order to reduce the effort and time required in manipulation of gaming machine software and gaming machine maintenance and in turn decrease the down time of gaming machines leading to increased profit, and to use Simon et al to predict the performance of the game thereby providing the early detection of if a game needs to be replaced or not and hence allowing the user of the game an undisturbed game service. It would also have been obvious to incorporate the invention of Carlson so as to provide a way to monitor and report the financial performance of the wager based gaming system and hence improve the profitability and income from the gaming machines.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US 6,488,585) in view of Simon et al (US 2003/0087652), Baldwin (US 6,732,195), and Carlson (US 7,260,834) and further in view of Itkis (US 4,856,787). The teachings of Wells, Baldwin, and Carlson have been discussed above.

Re claims 5 and 6: Wells and Baldwin fail to teach gaming machines that have multiple game programs and that control signals select, after a predetermined time and after transmission of control signals, a predetermined one of said programs to determine which game is able to be played on said machines.

Itkis teaches a gaming machine with multiple games **(see fig.8)** that are played and can be chosen from by selecting **(see fig. 5)** which game would like to be played on the game machine.

Therefore, in view of Itkis, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells, modified by Baldwin, gaming and communication system to use Itkis's concurrent game network with multiple games for machine in order to increase the attractiveness of the gaming machine by offering multiple games so that it will interest more players to play the gaming machine.

5. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (US 6,488,585) in view of Simon et al (US 2003/0087652), Baldwin (US 6,732,195), and Carlson (US 7,260,834) and further in view of Jorasch et al. (US 6,379,248). The teachings of Wells and Baldwin have been discussed above.

Re Claim 14: Wells and Baldwin fail to teach a wireless interface that is located on a player tracking unit.

However, Jorasch discloses a gaming device with a player interface (338) that can communicate wirelessly **(see fig.14; col.3, lines 58-60; col.4, lines 47-48)**.

Therefore, in view of Jorasch, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wells, modified by Baldwin (as applied to

claim 1 above), gaming and communication system to include a player tracking unit that can communicate wirelessly in order to offer the machine with player tracking capabilities so to attract players that only use machines that allow player tracking capabilities and therefore increase the time the machine is in use and earning profit for the casino.

Re claim 16: Wells, modified by Baldwin (as applied to claim 15 above), teaches a transponder (10) that includes a map display indicating device locations and status at a location and gives a "minimum walk"/directions for visiting the devices **(see abstract)**.

Response to Arguments

6. Applicant's arguments filed 09/01/2008 have been fully considered but are moot in view of the new ground(s) of rejection.

In response to the Applicant's argument that the prior arts do not teach wherein the performance comprises financial performance associated with coin-in to time ratio, the examiner points out that as explained above, the newly added Carlson reference teaches financial performance and information being monitored for every gaming machine in a network of gaming machine.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/John M Hotaling II/

Primary Examiner, Art Unit 3714